UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/773,524	02/06/2004	Takashi Yoneyama	04083/LH	7190

1933   7590   07/06/2009
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ART UNIT	PAPER NUMBER
2624	

MAIL DATE	DELIVERY MODE
07/06/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _06 April 2009_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-26_ is/are pending in the application.

    4a) Of the above claim(s) _1,5-8 and 13-17_ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _2-4,9-12 and 18-26_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _27 May 2007_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Request for Continuous Examination

1.   A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/6/2009 has been entered.

Information Disclosure Statement

2.   No new IDS submitted.

Response to Arguments

3.   Applicant's arguments, see on page 11-12, filed 04/06/2009, with respect to the rejection(s) of claim(s) 2-4, 9-12 and 18-26 under West et al and Xu et al have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in combine view of West et al, Xu et al and Murakami et al.

35 USC 103 – Claim Rejection

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 2-4, 9-12 and 18-26 are rejected under 35 U.S.C. 103(a) as being

unpatentable over West et al (US Patent Number 4,496,971) in view of Xu et al (US

Patent Number 5,761,336) and Murakami et al (US 4,860,374).

        (1) Regarding claim 9:

                West et al teaches the following:

- driving a stage or an objective lens facing an observation object in order to

   change an observation part of the observation object placed on the stage to a

   reference part determined to be normal beforehand within the observation object

   [figure 3 and column 4 lines 20-35 (part 30 for drive stage and part 31 for

object)];

- obtaining a pattern image of the reference part

   [column 5 lines 1-15 disclose that the master pattern data of parts are

collected to be good quality, column 6 lines 7-11 disclose that the master pattern

having establish reference values of track area and that other patterns will be

grade according within those set reference values];

- driving the stage or the objective lens in order to change the observation part of
the observation object to a part to be inspected, which becomes a target of
inspecting for the presence or absence of a defect within the observation object
[column 1 lines 1-5, column 1 lines 22-40, column 2 lines 16-35 disclose
detecting of abnormal condition of the object of interest from the surface];

- obtaining a pattern image of the part to be inspected
[column 4 lines 22-67 disclose the apparatus on how the pattern is obtain,
column 5 lines 1-10 disclose how the master pattern is obtain, column 6 lines 7-15
disclose that the establish reference values are obtain and apply]; and

- detecting the presence or absence of an abnormal condition of the part (column
1 lines 1-5, column 1 lines 22-40, column 2 lines 16-35 disclose detecting of
abnormal condition of the object of interest from the surface) to be inspected by
making a comparison between the pattern image (column 1 lines 10-15 disclose
comparison between a taken image and a master image to detect abnormalities,
column 5 lines 1-10 disclose comparing defect with master image pattern in area
and perimeter, column 6 lines 7-10 disclose the master image with reference
values of track area and perimeters length for the master pattern) of the
reference part and the pattern image of the part to be inspected (column 1 lines
10-15 disclose comparison between a taken image and a master image to detect
abnormalities, column 5 lines 1-10 disclose comparing defect with master image

pattern in area and perimeter, column 6 lines 7-10 disclose the master image

with reference values of track area and perimeters length for the master pattern).

West et al does not teach:

- performing focusing control with a focusing control unit which changes a relative

  distance between the stage and the objective lens in a direction of the optical

  axis of the objective lens so that automatic focusing is achieved on the

  reference part according to a first focusing control parameter;

- determining a second focusing control parameter based on sample information

  obtained when performing the focusing control to achieve the automatic focusing

  on the reference part, wherein the sample information comprises at least one of

  information about the focusing position of the reference part and information

  about a light amount according to light reflected from the reference part;

- setting the focusing parameter to the second focusing parameter;

- performing the focusing control with the focusing control unit so that automatic

  focusing is achieved on the part to be inspected according to the second

  focusing control parameter.

However, Murakami et al teaches:

- performing focusing control (**column 5 lines 54-55 discloses holder moving in**

  optical axis, this is seen as focusing control) with a focusing control unit

  which changes a relative distance (**column 5 lines 54-55 discloses moving in**

optical axis, which is seen as change in relative distance) between the stage

and the objective lens in a direction of the optical axis of the objective lens

(**column 5 lines 50-55 discloses moving in direction of optical axis between**

the holder and the lens) so that automatic focusing is achieved on the

reference part (**column 5 lines 50-55 discloses moving in direction of optical**

axis such that focus is achieve on the reference mark) according to a first

focusing control parameter

  [**figure 2 and column 5 lines 50-65**];

It would have been obvious to one skill in the art at the time of the invention to

modify West et al by Murakami et al regarding focusing by changing the relative

distance between the stage and lens because such method is conventional and

common knowledge in the art (MPEP 2144.03 (A-E)).

  Xu et al further teaches:

- determining a second focusing control parameter based on sample information

  obtained when performing the focusing control to achieve the automatic focusing

  on the reference part, wherein the sample information comprises at least one of

  information about the focusing position of the reference part and information

  about a light amount according to light reflected from the reference part

[**column 3 lines 21-32 disclose adjusting of the intensity of the light source up**

and down this is seen as the second focusing control parameter; column 4 lines

30-40 discloses stepper motor of changing aperture, column 5 lines 1-10

discloses where the aperture is used for focusing];

- setting the focusing parameter to the second focusing parameter

[column 3 lines 1-10 discloses calibration samples of a particular target type

and visually analyzes the sample for defect to obtain calibration data, these

samples will set the parameter setting for focusing; column 3 lines 1-10 discloses

second focusing control parameter such as diameter and illumination intensity

set to a know value, where the first is the stepper motor];

- performing the focusing control with the focusing control unit so that automatic
  focusing is achieved on the part to be inspected according to the second
  focusing control parameter

[figure 1 disclose the stepper motor 115 connected to the computer 105 which

seen a the focusing controlling unit, column 4 lines 20-30, column 6 lines 10-22

disclose computer 105 that will select an appropriate aperture setting, column 3

lines 21-32 disclose adjusting of the intensity of the light source up and down will

make further parameter for comparison of the taken pattern to the reference

pattern].

It would have been obvious to one skill in the art at the time of the invention to

employ Xu et al teachings to West el at regarding performing focusing control so that

focusing is achieved on the reference part according to a first focusing control

parameter, determining a second focusing control parameter based on sample

information obtained by the focusing control and performing the focusing control in order

to achieve focus on the part to be inspected according to the second focusing control

parameter.

The motivation to combine such that the abilities to adjust will optimize image

resolution for different type of targets (column 2 lines 60-67), automated review stations

reduce labor costs and provide improved consistency and accuracy over human

operators (column 2 lines 5-10, column 2 lines 57-58), thus, therefore further improve

defect detection and characterization for many type of targets (column 5 lines 34-38).

(2) Regarding claims 2 and 10:

West et al and Xu et al further teach:

if the focusing control (Xu et al, column 5 lines 30-40 discloses where the

stepper motor that will affect the aperture for focusing control) using the second

focusing control parameter (Xu et al, column 3 lines 1-10 discloses second

focusing control parameter such as diameter and illumination intensity set to a

know value, where the first is the stepper motor) is unsuccessfully performed

when said pattern image obtaining unit (West et al, figure 3 part 33 disclose the

unit that will obtain the image of the object of detection) obtains the pattern image

(West et al, figure 1 discloses a sample of the pattern image that is take for

analysis, figure 2 disclose where the pattern image having different kind of

defects) of the part to be inspected (West et al, figure 1-2 disclose samples of

parts/area that are inspected), the focusing control parameter (West et al, column

5 lines 30-40 discloses where the stepper motor that will affect the aperture for

focusing control, column 3 lines 1-10 discloses calibration samples of a particular

target type and visually analyzes the sample for defect to obtain calibration data,

these samples will set the parameter setting for focusing) is changed to the first

focusing control parameter (West et al, column 5 lines 30-40 discloses where the

stepper motor that will affect the aperture for focusing control, column 3 lines 1-

10 discloses calibration samples of a particular target type and visually analyzes

the sample for defect to obtain calibration data, these samples will set the

parameter setting for focusing) and the pattern image (West et al, figure 1

discloses a sample of the pattern image that is take for analysis, figure 2 disclose

where the pattern image having different kind of defects) of the part to be

inspected (West et al, figure 1-2 disclose samples of parts/area that are

inspected) is obtained by performing the focusing control (Xu et al, column 5

lines 30-40 discloses where the stepper motor that will affect the aperture for

focusing control) using the first focusing control parameter (West et al, column 5

lines 30-40 discloses where the stepper motor that will affect the aperture for

focusing control, column 3 lines 1-10 discloses calibration samples of a particular

target type and visually analyzes the sample for defect to obtain calibration data,

these samples will set the parameter setting for focusing).

(3) Regarding claims 3 and 11:

West et al and Xu et al further teach:

wherein if the focusing control (Xu et al, column 5 lines 30-40 discloses

where the stepper motor that will affect the aperture for focusing control) using

the first focusing control parameter (West et al, column 5 lines 30-40 discloses

where the stepper motor that will affect the aperture for focusing control, column

3 lines 1-10 discloses calibration samples of a particular target type and visually

analyzes the sample for defect to obtain calibration data, these samples will set

the parameter setting for focusing) is unsuccessfully performed when said

pattern image (West et al, figure 1 discloses a sample of the pattern image that is

take for analysis, figure 2 disclose where the pattern image having different kind

of defects) obtaining unit (West et al, column 4 lines 40-50 discloses where the

unit 36 will digitization, storage, computation and control of the imaging of the

object of interest) obtains the pattern image (West et al, figure 1 discloses a

sample of the pattern image that is take for analysis, figure 2 disclose where the

pattern image having different kind of defects) of the part to be inspected (West

et al, figure 1-2 disclose samples of parts/area that are inspected), the pattern

image (West et al, figure 1 discloses a sample of the pattern image that is take

for analysis, figure 2 disclose where the pattern image having different kind of

defects) of the part to be inspected (West et al, figure 1-2 disclose samples of

parts/area that are inspected) is obtained by regarding the focusing position

(West et al, column 4 lines 25-35 discloses where the changing of spacing for

focusing and image taking) of the reference part (column 5 lines 1-20 discloses

master/reference patterns) as the focusing position (West et al, column 4 lines

25-35 discloses where the changing of spacing for focusing and image taking) of

the part to be inspected (West et al, figure 1-2 disclose samples of parts/area

that are inspected).

(4) Regarding claims 4 and 12:

West et al and Xu et al further teach:

wherein when said pattern image obtaining unit (West et al, figure 3 part

33 disclose the unit that will obtain the image of the object of detection) obtains

the pattern image (West et al, figure 1 discloses a sample of the pattern image

that is take for analysis, figure 2 disclose where the pattern image having

different kind of defects) of the part to be inspected (West et al, figure 1-2

disclose samples of parts/area that are inspected) by regarding the focusing

position (West et al, column 4 lines 25-35 discloses where the changing of

spacing for focusing and image taking) of the reference part (West et al, column

5 lines 1-20 discloses the detection of defects are compared with

master/reference patterns) as the focusing position (West et al, column 4 lines

25-35 discloses where the changing of spacing for focusing and image taking) of

the part to be inspected (West et al, figure 1-2 disclose samples of parts/area

that are inspected), information (West et al, column 4 lines 20-65 disclose

information and setting that from the user and system) about unsuccessful

focusing control (West et al, column 4 lines 20-65 discloses the controls and

code reference of defects carried out by hardware of the system) is added to the

pattern image (West et al, figure 1 discloses a sample of the pattern image that is

take for analysis, figure 2 disclose where the pattern image having different kind

of defects) of the part to be inspected (West et al, figure 1-2 disclose samples of

parts/area that are inspected).

(5) Regarding claims 19 and 23:

West et al and Xu et al further teach:

the focusing control parameter (Xu et al, column 3 lines 1-10 discloses

calibration samples of a particular target type and visually analyzes the sample

for defect to obtain calibration data, these samples will set the parameter setting

for focusing) contains at least one of movement speed (West et al, column 4

lines 45-55 discloses stepping motor operate by 100um) of said focusing unit

(West et al, column 4 lines 20-60 discloses a camera 33 comprising a optical

focusing system which enables adjacent points of moving for focusing) search

range (West et al, figure 2 disclose the ranges of defects) used when acquiring

the observation object (West et al, figure 3 part 31 is seen the objection of

observation) auto focus method offset amount (West et al, column 4 lines 45-55

discloses stepping motor operate by 100um, where these distance are the

offset), and contrast threshold (West et al, column 1 lines 20-40 discloses

predetermined threshold values).

(6) Regarding claims 20 and 24:

West et al and Xu et al further teach:

said pattern image obtaining unit (West et al, figure 3 part 33 disclose the

unit that will obtain the image of the object of detection) obtains a plurality of

inspection images (figure 2 discloses the plurality of images up for inspected and

inspecting) of the reference part (West et al, column 5 lines 1-20 discloses the

detection of defects are compared with master/reference patterns) by operating

said observation part (West et al, figure 3 part 31 is seen the objection of

observation, figure 1 disclose example of the area/part under observation of

interest) changing unit (West et al, figure 3 discloses where the stage is movable

for changing of the position 32 for the imaging) after obtaining a reference image

(West et al, column 5 lines 1-20 discloses master/reference patterns) of the

reference part (West et al, column 5 lines 1-20 discloses master/reference

patterns) and detects defects (West et al, figure 2 discloses the detected defects,

column 5 lines 1-20 discloses master/reference patterns where it is comparing

with the taken object of interest for analysis) by comparing (West et al, figure 2

discloses the detected defects) the plurality of inspected images (West et al,

figure 2 discloses the plurality of images up for inspected and inspecting) with

one reference image (West et al, column 5 lines 1-20 discloses master/reference

patterns) in the detection unit (West et al, column 4 lines 40-50 discloses where

the unit 36 will digitization, storage, computation and control of the imaging of the

object of interest, where this unit will detect defect by computing of the imaged

area for inspection, figure 1 discloses a sample of the pattern image that is take

for analysis, figure 2 disclose where the pattern image having different kind of

defects), respectively.

(7) Regarding claims 21 and 25:

West et al and Xu et al further teach:

the reference part (West et al, column 5 lines 1-20 discloses

master/reference patterns) and the part to be inspected (West et al, figure 1-2

disclose samples of parts/area that are inspected) are provided in a specific

position (West et al, figure 1 and 2 disclose the area/position of interest for

analysis) in the observation object (West et al, figure 3 part 31 is seen the

objection of observation, figure 1 disclose example of the area/part under

observation of interest) having a plurality of same patterns (West et al, figure 2

discloses the plurality of images up for inspected and inspecting) and the

patterns of the reference part (West et al, column 5 lines 1-20 discloses

master/reference patterns) and the inspection part (West et al, figure 1-2 disclose

samples of parts/area that are inspected) are the same, respectively.

(8) Regarding claims 22 and 26:

West et al and Xu et al further teach:

the presence or absence of a defect (West et al, figure 2 discloses the

plurality of images up for inspected and inspecting for defect) detected by making

a comparison (West et al, figure 2 discloses the detected defects, column 5 lines

1-20 discloses master/reference patterns where it is comparing with the taken

object of interest for analysis) between the pattern image of the reference part

(West et al, figure 2 discloses the detected defects, column 5 lines 1-20 discloses

master/reference patterns where it is comparing with the taken object of interest

for analysis) stored in said pattern image storing unit (West et al, column 4 lines

40-50 discloses where the unit 36 will digitization, storage, computation and

control of the imaging of the object of interest) and the pattern image (West et al,

figure 1 discloses a sample of the pattern image that is take for analysis, figure 2

disclose where the pattern image having different kind of defects) of the part to

be inspected (West et al, figure 1 disclose the areas of the object to be

inspected, figure 2 discloses the parts that are examples of defects) by said

detecting unit (West et al, column 4 lines 40-50 discloses where the unit 36 will

digitization, storage, computation and control of the imaging of the object of

interest, where this unit will detect defect by computing of the imaged area for

inspection, figure 1 discloses a sample of the pattern image that is take for

analysis, figure 2 disclose where the pattern image having different kind of

defects), and if a different part (West et al, figure 1 where the image is grid and

different parts of the object of inspection is process) is found in each pattern, the

pattern image (West et al, figure 1 discloses a sample of the pattern image that is

take for analysis, figure 2 disclose where the pattern image having different kind

of defects) of the part to be inspected (West et al, figure 1-2 disclose samples of

parts/area that are inspected b) is determined to be abnormal (West et al, figure 1-2 disclose samples of parts/area that are inspected for defects/abnormal) and if the patterns are the same (West et al, figure 1 discloses a sample of the pattern image that is take for analysis, figure 2 disclose where the pattern image having different kind of defects)), they are determined to be normal (West et al, figure 1 discloses a sample of the pattern image that is take for analysis, figure 2 disclose where the pattern image having different kind of defects and not normal from the master/reference image during comparison).

(9) Regarding claim 18:

West et al teaches:

- a stage on which an observation object is placed

[**figure 3 par 30 discloses the stage where the object of interest is place of inspection and imaging; figure 3 part 31 is seen the objection of observation**];

- an objective lens for imaging the observation object

[**figure 1 disclose the imaging of the part of the area of the object that is being imaging; figure 3 part 31 is seen the objection of observation**];

- an observation part changing unit for changing an observation position of the observation object via the objective lens by moving at least one of the stage and

the objective lens in a direction perpendicular to an optical axis of the objective

lens

[figure 3 discloses where the stage is movable for changing of the position 32

for the imaging; figure 3 part 32 discloses the position axis of imaging of the

object of interest for imaging; figure 3 part 31 is seen the objection of

observation; figure 3 part 30 and 37 discloses the movable of the stage in

changing the axis 32 for imaging of the object of interest];

- a pattern image obtaining unit for obtaining a pattern image of an observation

   part by driving the observation part changing unit to change the observation

   position

[figure 3 part 33 disclose the unit that will obtain the image of the object of

detection; figure 1 discloses a sample of the pattern image that is take for

analysis, figure 2 disclose where the pattern image having different kind of

defects; figure 1 discloses the one part of the object of observation analysis;

figure 3 discloses where the stage is movable for changing of the position 32 for

the imaging; column 4 lines 30-45 discloses the adjusting of spacing/position for

imaging of the area of the object of interest];

- a pattern image storing unit for storing the pattern image obtained by said pattern

   image obtaining unit

[column 4 lines 40-50 discloses where the unit 36 will digitization, storage, computation and control of the imaging of the object of interest; figure 1 discloses a sample of the pattern image that is take for analysis, figure 2 disclose where the pattern image having different kind of defects; column 4 lines 40-50 discloses where the unit 36 will digitization, storage, computation and control of the imaging of the object of interest];

- a detecting unit (column 4 lines 40-50 discloses where the unit 36 will digitization, storage, computation and control of the imaging of the object of interest, where this unit will detect defect by computing of the imaged area for inspection, figure 1 discloses a sample of the pattern image that is take for analysis, figure 2 disclose where the pattern image having different kind of defects) for detecting the presence or absence of a defect (figure 1 discloses a sample of the pattern image that is take for analysis, figure 2 disclose where the pattern image having different kind of defects) of a part to be inspected by making a comparison (column 5 lines 1-20 discloses the detection of defects are compared with master/reference patterns) between the pattern image of a reference part (column 5 lines 1-20 discloses master/reference patterns) in the observation object (figure 3 part 31 is seen the objection of observation) stored in the pattern image storing unit (column 4 lines 40-50 discloses where the unit 36 will digitization, storage, computation and control of the imaging of the object of interest, where this unit will store the pattern image data that is taken) and the

pattern image (figure 1 discloses a sample of the pattern image that is take for

analysis, figure 2 disclose where the pattern image having different kind of

defects) of the part to be inspected in the observation object (figure 3 part 31 is

seen the objection of observation);

- wherein said pattern image obtaining unit (column 4 lines 40-50 discloses where

  the unit 36 will digitization, storage, computation and control of the imaging of the

  object of interest) is arranged to obtain the pattern image of the reference part

  (column 5 lines 1-20 discloses master/reference patterns) in the observation

  object (figure 3 part 31 is seen the objection of observation) determined as

  normal beforehand by performing the focusing control via the focusing control

  unit using a first focusing control parameter set by the parameter setting unit, and

  arranged to change the observation position (figure 3 part 32 discloses the

  position axis of imaging of the object of interest for imaging) to the part to be

  inspected and obtain the pattern image (column 4 lines 40-50 discloses where

  the unit 36 will digitization, storage, computation and control of the imaging of the

  object of interest) of the part to be inspected by performing the focusing control

  via the focusing control unit using a second focusing control parameter set by the

  parameter setting unit, and

- wherein said focusing control unit is arranged to determine the second focusing

  control parameter, used when obtaining the pattern image (column 4 lines 40-50

discloses where the unit 36 will digitization, storage, computation and control of

the imaging of the object of interest) of the part to be inspected (figure 1 disclose

the areas of the object to be inspected, figure 2 discloses the parts that are

examples of defects), based on sample information (column 5 lines 1-20

discloses master/reference patterns) obtained when performing the focusing

control to obtain the pattern image of the reference part (column 5 lines 1-20

discloses master/reference patterns);

- wherein the sample information (figure 1 discloses a sample of the pattern image

  that is take for analysis, this is seen as sample information) comprises at least

  one of information about the focusing position (column 1 lines 40-50 discloses

  length of extending between two points is large compared with the direct distance

  between the points, this is seen as focusing position relative to distance) of the

  reference part (column 5 lines 1-20 discloses master/reference patterns) and

  information about a light amount according to light reflected (column 1 lines 40-

  50 discloses radiation reflected to derive the signal, different features of the

  pattern having distinctive values of reflectance) from the reference part (column 5

  lines 1-20 discloses master/reference patterns).

- a parameter setting unit for setting a focusing control parameter used for

  controlling the automatic focusing

[column 4 lines 60-68 (specific reference preference in hardware to achieving satisfactory speed of operation)];

Murakami et al

- a focusing control unit for performing automatic focusing by changing a relative distance between <u>the stage and the objective lens in a direction of the optical axis of the objective lens </u>to focus on the observation object

  [figure 2 and column 5 lines 50-65];

Conclusion

6.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Werson (US Patent Number 4,51,807) disclose an optical inspection system.

- Wihl et al (US Patent Number 4,532,650) disclose photomask inspection apparatus and method using corner comparator defect detection algorithm.

- Mita et al (US Patent Number 4,547,895) disclose pattern inspection system.

- Takagl et al (US Patent Number 5,801,965) disclose method and system for manufacturing semiconductor devices, and method and system for inspecting semiconductor devices.

- Mizuno (US Patent Number 6,047,083) discloses method of and apparatus for patter inspection.

- Tsutsui (JP 61005317 A) discloses Automatic focusing device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TSUNG-YIN TSAI whose telephone number is (571)270-1671. The examiner can normally be reached on Monday - Friday 8 am - 5 pm ESP.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samir Ahmed can be reached on (571)272-7413. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

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June 24, 2009